

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

FILED

MAY 21 2025

CLERK, U.S. DISTRICT COURT
TEXAS EASTERN

SPENGA INC. and SPENGA HOLDINGS, LLC,

Plaintiffs,

v.

Civil Action No. 4:25-cv-251

KRISTIN ANTOINETTE HOWARD and MICHAEL THOMAS,

Defendants.

**DEFENDANTS' MOTION FOR LEAVE TO FILE AMENDED
COUNTERCLAIMS**

COME NOW Defendants and Counterclaimants Michael Thomas and Kristin Howard ("Defendants"), appearing pro se, and respectfully move this Court for leave to file Amended Counterclaims pursuant to Federal Rule of Civil Procedure 15(a)(2). In support of this motion, Defendants state as follows:

1. Defendants filed their original Answer and Counterclaims on April 16, 2025.

2. Since that time, Plaintiffs have served their Initial Disclosures, which revealed new factual information giving rise to additional legal claims, including but not limited to claims for invasion of privacy, retaliation in violation of the Americans with Disabilities Act (ADA), and civil conspiracy, among others. These disclosures also confirmed material conduct by Plaintiffs and their counsel that was not known or reasonably discoverable at the time of the original filing.
3. Defendants now seek leave to amend their Counterclaims to:
 - a. Incorporate newly discovered facts;
 - b. Add additional causes of action supported by those facts;
 - c. Expand and clarify certain existing claims based on conduct that has occurred both before and after the initial pleading.
4. This is Defendants' first request for leave to amend their counterclaims. The motion is submitted in good faith and not for purposes of delay, harassment, or tactical advantage.

5. Granting leave to amend at this stage will not unduly prejudice any party. The case remains in its early procedural phase, and no trial date has been set. Plaintiffs will have a full and fair opportunity to respond to the amended pleading.

6. Federal Rule of Civil Procedure 15(a)(2) provides that “[t]he court should freely give leave when justice so requires.” Courts in this Circuit routinely permit amendment when, as here, the proposed pleading is timely, not futile, and supported by newly discovered or clarified facts. Courts in the Fifth Circuit routinely grant leave to amend when the proposed amendment is timely, not futile, and supported by newly discovered evidence. See *Smith v. EMC Corp.*, 393 F.3d 590, 595 (5th Cir. 2004).

WHEREFORE, Defendants respectfully request that this Court grant leave to file the Amended Counterclaims attached hereto as Exhibit A, and award such other and further relief as the Court deems just and proper.

Respectfully submitted,



Kristin Howard

Pro Se Defendant

A handwritten signature in black ink, appearing to read "Michael Thomas". The signature is fluid and cursive, with a large, stylized initial "M" and a long, sweeping underline.

Michael Thomas

Pro Se Defendant

Date: May 21, 2025

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2025, a true and correct copy of the foregoing Defendants' Motion For Leave to Amended Counterclaims, was served via email and U.S. First Class Mail to the following counsel of record:

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A handwritten signature in black ink, appearing to read 'Kristin Howard' in a cursive style.

KRISTIN ANTOINETTE HOWARD

Pro Se Defendant

A handwritten signature in black ink, appearing to read 'Michael Thomas' in a cursive style.

MICHAEL THOMAS

Pro Se Defendant

Date: May 21, 2025